

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

Brief History

In response to the Final Office Action dated June 15, 2006, Applicants filed a Response on September 15, 2006 and an Advisory Action has been issued on October 2, 2006. Applicants filed a Notice of Appeal and Appeal Brief on October 16, 2006 and December 15, 2006, respectively. On March 22, 2007, an Examiner's Answer has been issued rejecting all of the pending claims.

Status of the Claims

Claims 1-11, 13-29, 31-35, 50, 51, and 54-177 are pending in this application. All of the pending claims stand rejected.

By this amendment, claims 1-11, 13-29, 31-35, 50, 51, 56 and 64-177 are cancelled without prejudice or disclaimer. Claim 54 is amended. Applicants believe that these changes introduce no new matter. Entry and consideration of this Amendment are respectfully requested.

Rejections under 35 U.S.C. §103

In paragraph two (2) of the Examiner's Answer, claims 1-3, 15-22, 32-35, 50-51, 54-57, 62, 65, 67-70, 72, 83-87, 89, 94, 100-102, 104, 113, 115-120, 126, 128, 130-133, 143, and 145-171 and 174-177 have been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 6,256,063 to Saito et al. ("Saito") in view of U.S. Patent No. 5,136,320 to Kobayashi ("Kobayashi").

In paragraph three (3) of the Examiner's Answer, claims 4-6, 10, 11, 23-25, 27-29, 58-60, 63, 64, 74-76, 78-80, 90-92, 95, 96, 106-108, 110-112, 121-123, 127, 136-138, 140-142, 172 and

173 have been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito, in view of Kobayashi and further in view of U.S. Patent No. 5,210,567 to Takahashi (“Takahashi”).

In paragraph four (4) of the Examiner’s Answer, claims 7-8, 13, 26, 30, 31, 56, 61, 66, 77, 82, 88, 93, 98, 109, 114, 125, 124, 129, 139 and 144 have been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito in view of Kobayashi and further in view of U.S. Patent No. 6,344,875 to Hashimoto (“Hashimoto”).

Although it is not indicated in the Examiner’s Answer, claim 9 has been previously rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito in view of Kobayashi and further in view of U.S. Publication No. 2003/0030729 to Prentice (“Prentice”).

As indicated above, claims 1-11, 13-29, 31-35, 50, 51, 56 and 64-177 have been cancelled rendering the rejections directed to these claims moot.

Claim 54 has been amended for further clarification. In particular, amended claim 54 recites, *inter alia*, the elements of cancelled claim 56, i.e., “wherein said determination device causes said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is released from the first state.”

Applicants believe that none of the cited references (i.e., Saito, Kobayashi, Takahashi, Hashimoto and Prentice) shows or suggests the added elements to claim 54 as described above.

The Examiner’s Answer indicates in page 26 that “[s]ince the independent claims 1, 19, ... are obvious under 35 U.S.C. 103, the applicant cannot show the dependent claims are non-obvious based on their dependency.”

Applicants note that even if the independent claims are obvious, each of dependent claims, including additional elements and having narrower scope, can still be non-obvious.

Moreover, the Examiner's Answer does not even recite the claim language of claim 56 in rejecting the claim.

Accordingly, each of amended claim 54, and its dependent claims 55 and 57-63, is believed neither anticipated by nor rendered obvious in view of the cited references (i.e., Saito, Kobayashi, Takahashi, Hashimoto and Prentice), either taken alone or in combination, for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 54, 55 and 57-63 under 35 U.S.C. §103(a) is respectfully requested.

Applicants believe that the application is in condition for allowance and such action is respectfully requested.

AUTHORIZATION

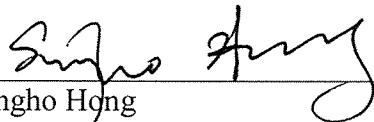
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-4522.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1232-4522.

Respectfully submitted,
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Dated: May 22, 2007

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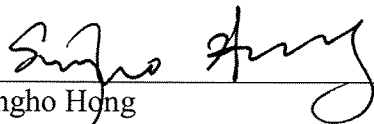
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